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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Krisko

Application No.: 10/632,119

Filed: July 31, 2003

For: TEMPERABLE HIGH SHADING
PERFORMANCE COATING

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

) Examiner: Gwendolyn Blackwell-Rudasil

) Group Art Unit: 1775

) Attorney Docket: 44046.203.268.1

) I hereby certify that this correspondence is being:

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) By Theresa Russek
Theresa Russek

RESPONSE TO RESTRICTION REQUIREMENT

This Response is filed in connection with the Office Action mailed August 24,
2005. The Examiner has required restriction to one of the following inventions under 35

U.S.C. § 121:

I. Claims 1-34, stated by the Examiner as being drawn to a coated
transparent substrate; or

II. Claims 35-49 stated by the Examiner as being drawn to a method of
making a coated substrate.

In response to the restriction requirement, Applicants, through their attorney,
provisionally elect the invention of Group I (claims 1-34) with traverse.

The claims of Groups I-II meet the requirements for consideration in a single application, *inter alia*, in that they each relate to a transparent substrate bearing a tempered high shading performance low-emissivity coating comprising first and second infrared-reflective films and first and second high absorption blocker layers positioned respectively directly over the first and second infrared-reflective films, the first and second high absorption blocker layers comprising niobium, said coating including a middle coat comprising a transparent dielectric nitride film deposited directly over the first high absorption blocker layer and including an outer coat comprising a transparent dielectric nitride film deposited directly over the second high absorption blocker layer. Further, Applicants traverse the restriction requirement on the grounds that no serious burden on the Examiner exists. If the search and examination of an entire application can be made without serious burden, it must be examined on the merits even though it includes claims directed to distinct or independent invention. M.P.E.P § 803. The subject matter of Groups I and II are believed sufficiently related that a thorough search for the subject matter of either group would encompass a search for the subject matter of both groups. To avoid duplicative examination by the Patent Office and unnecessary delay and expense to Applicants, Applicants respectfully request examination on the merits of all the claims, not just those of Group I.

Furthermore, Applicants submit that if a determination of an allowable generic claim is issued, claims that are written in dependant form or otherwise include all the limitations of the allowed generic claim should be considered. M.P.E.P. § 809.02(c). Therefore, Applicants respectfully request that the Examiner consider rejoining the

claims of Group II and the claims of Groups I upon a finding of allowability of the claims of Group I.

The Commissioner is hereby authorized to charge any additional filing fees required to Deposit Account No. 061910. A duplicate copy of this sheet is enclosed.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 06-1910.

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